

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS

In the Matter of:

Rolando and Greta Rodriguez,

Petitioner.

HUDOHA 14-VH-0112-AG-047
Claim No. 780764327

August 14, 2014

ORDER GRANTING DISMISSAL

On August 13, 2014, the Secretary filed a *Motion to Dismiss*, along with supporting documentation, seeking to dismiss, without prejudice, its action to pursue collection of the subject debt by means of administrative wage garnishment "because the Petitioners jointly filed a Chapter 7 Bankruptcy Petition (Petition #14-10249) before the U. S. Bankruptcy Court, Southern District of Texas, on July 3, 2014." (See *Motion to Dismiss*, Ex. 1, *Declaration of Kathleen Porter*, Acting Director, Asset Recovery Division, HUD Financial Operations Center, Attachments.) The Chapter 7 bankruptcy proceeding is currently active, and the Bankruptcy Court's automatic stay prevents collection from Petitioners at this time. (*Id.*)


Upon due consideration, the *Motion to Dismiss* is **GRANTED**.

Pending the outcome of the Chapter 7 bankruptcy proceeding, the Secretary shall not seek to collect the claimed debt of Petitioners by means of administrative wage garnishment. However, the Secretary shall retain the right to collect the alleged debt should the debt not be discharged by bankruptcy, or the bankruptcy case be dismissed.

The stay of referral shall remain in place until such time as the status of the Chapter 7 bankruptcy proceeding is determined.

This matter of HUDOA No. 14-VH-0112-AG-047 is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.



Vanessa L. Hall
Administrative Judge